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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$104,125.00 IN U.S. CURRENCY,
\$6,951.00 IN U.S. CURRENCY, and
\$34,462.00 IN U.S. CURRENCY,
ALL SEIZED FROM A RESIDENCE
ON FRICKE STREET IN
HONOLULU, HAWAII, ON OR
ABOUT SEPTEMBER 27, 2022,

Defendants *in Rem*.

Civil No. 23-00386

COMPLAINT FOR
FORFEITURE; VERIFICATION
OF GABRIEL GRAY

COMPLAINT FOR FORFEITURE

Plaintiff United States of America, by its undersigned attorneys, brings this Complaint for Forfeiture and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure (hereinafter the “Supplemental Rules”):

NATURE OF THE ACTION

1. This is a civil action *in rem* to forfeit and condemn to the use and benefit of the United States the above-captioned personal property (the “Defendant Property”). This action is brought pursuant to 21 U.S.C. § 881(a)(6), which provides for the forfeiture of (a) moneys and other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841; (b) proceeds traceable to such an exchange; and/or (c) moneys used or intended to be used to facilitate violations of 21 U.S.C. § 841. For its claims against the defendant property, the United States alleges as follows upon information and belief.

THE DEFENDANT *IN REM*

2. The Defendant Property consists of the following property seized from a residence on Fricke Street in Honolulu, Hawaii (the “Fricke Street Property”), by the Drug Enforcement Administration (“DEA”) on or about September 27, 2022:

- (a) \$104,125.00 in U.S. currency seized from the bedroom of Jaistyn Kawai;
- (b) \$6,951.00 in U.S. currency seized from the bedroom of Charles Joseph and Lynda Hamilton; and
- (c) \$34,462.00 in U.S. currency seized from the living room.

3. The Defendant Property is currently in the custody of the United States Marshals Service for the District of Hawaii.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881.

5. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. 1355(b)(1).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this District and pursuant to 28 U.S.C. § 1395 because the Defendant Property is located in this District.

BASIS FOR FORFEITURE

7. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), as moneys and other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 841; proceeds traceable to such an exchange; and/or moneys used or intended to be used to facilitate violations of 21 U.S.C. § 841.

FACTS

8. Beginning no later than August 2022, law enforcement officers, including those with the DEA, began investigating Charles Joseph in connection with suspected drug-related crimes.

9. On September 22, 2022, a federal search warrant was issued for the Fricke Street Property based on the finding that there was probable cause to believe that evidence of drug-related crimes was contained therein. Mag. No. 22-1678 KJM. At the time the search warrant was sought, the residents of the Fricke Street Property were Charles Joseph, Lynda Hamilton (Charles's girlfriend), Jaistyn Kawai (Charles's nephew), and Lavern Joseph (Charles's mother).

10. On September 27, 2022, the search warrant was executed at the Fricke Street Property. The following Defendant Property was seized during the execution of the search warrant:

- a. **\$104,125.00** was seized from the bedroom of Jaistyn Kawai. Large amounts of the money were stuffed in a suitcase and zippered cooler, with some of the money held in smaller zip lock bags. Such packaging is consistent with low-level drug sales. Additionally, some of the money was seized from a desk drawer in the bedroom, which also contained marijuana. When Kawai was questioned by law enforcement about the nature of the money in the suitcase, Kawai stated that it was from the sale of user amounts of marijuana. The currency consisted of 3,940 \$1.00-bills, 25 \$2-bills, 399 \$5-bills, 115 \$10-bills, 1,392 \$20-bills, 179 \$50-bills, and 602 \$100-bills.
- b. **\$6,951** was seized from the bedroom of Charles Joseph and Lynda Hamilton. The money was mostly in stacks and held together by rubber bands, with some of the money thrown into a plastic container. The currency consisted of 473 \$1-bills, 14 \$2-bills, 90 \$5-bills, 13 \$10-bills; 81 \$20-bills, 9 \$50-bills, and 38 \$100-bills.
- c. **\$34,462** was seized from two zip lock bags held in envelopes in the living room of the residence. Smaller zip lock bags within one of the larger zip locks had black marker writing: “\$400

Hoover” and “2200 Nai 2lbs.” During the execution of the search warrant, Jaistyn Kawai stated that he was the owner of the \$34,462, and that the money was from marijuana sales. The money was stacked in a manner consistent with that of drug proceeds. The money consisted of 197 \$1-bills, 33 \$5-bills, 34 \$10-bills, 643 \$20-bills, 72 \$50 bills, 173 \$100-bills.

11. In addition to the Defendant Property, law enforcement seized \$75,700.00 from a purse within a safe in a shipping container in the yard of the Fricke Street Property. The \$75,700.00 was administratively forfeited.

12. In addition to the above seizures and items noted above, law enforcement observed various items indicating illegal activity, including but not limited to, ledgers appearing to reflect drug sales, a money counter, and a notebook appearing to contain information relating to a marijuana grow.

13. Additionally, in the rear of the Fricke Street Property, law enforcement observed a shelter with lights attached to it, planting beds, and a watering system. More lights were in storage. Such materials are consistent with a marijuana grow. A review of photos stored to the phone of Lynda Hamilton show the backyard of the Fricke Street Property with mature marijuana plants in the shelter.

14. Based on the above, there are reasonable grounds to believe that the Defendant Property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States prays that:

1. Notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the Defendant Property;
2. The Clerk of the Court issue a warrant for the arrest in rem and seizure of the Defendant Property;
3. The Defendant Property be forfeited and condemned to the United States of America;
4. Plaintiff be awarded its costs and disbursements in this action; and
5. The Court award such other and further relief as this Court deems just and proper.

DATED: September 19, 2023, at Honolulu, Hawaii.

CLARE E. CONNORS
United States Attorney
District of Hawaii

/s/ Sydney Spector
By _____
SYDNEY SPECTOR
Assistant U.S. Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA